

**TOWN OF EASTON, MARYLAND**  
**Easton Town Hall**  
**14 S. Harrison Street**

October 19, 2009

**PRESENT AT CONVENING**

8 Mayor Robert C. Willey	11 Councilmember Pete Leshner
9 Council President John F. Ford	12 Councilmember Leonard E. Wendowski
10 Councilmember Kelley K. Malone	13 Councilmember Megan M. Cook

**IN ATTENDANCE**

Also in attendance were the Town Attorney Ms. VanEmburch, Town Manager Mr. Karge, Building Code Official Mr. Don Richardson, Town Planner Mr. Hamilton and Town Clerk Ms. Ruf.

**CONVENING**

At 7:00 p.m., President Ford called the meeting to order.

Ms. Malone opened the meeting with prayer and led the audience in the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Upon motion by Mr. Leshner seconded by Mrs. Cook and carried unanimously, minutes of the October 5 and October 12, 2009 meetings were approved with corrections as submitted by Mr. Leshner.

**ITEMS BY MAYOR WILLEY**

Mayor Willey announced that the Town of Easton has received a Federal grant in the amount of \$40,700 which will be used for a digital file system for the Easton Police Department. Mayor Willey stated that Easton Utilities has refunded the Town \$26,000 due to a meter error.

**ITEMS BY THE TOWN MANAGER**

Mr. Karge advised that the annual paving has been completed.

Public Works has asked that leaves not be placed in gutters and storm drains.

The first phase of Easton Police Department is almost completed.

Discussion occurred regarding a request for tax abatement from Habitat for Humanity. He stated that the state legislature passed a law in this passed session that allows Dorchester and Talbot Counties including the municipalities to abate taxes but requires actions to be taken at the local level and no such action has been taken yet.

Mr. Ford asked for an estimate from the Town Manager's office regarding an estimate on the amount of revenue that may be involved in abatement of Habitat's constructions.

Mr. Karge advised that the trash issue in Cooke's Hope has been brought up again. He stated that the staff will forward a report and make a recommendation.

Mr. Karge asked for approval for the following Public Assembly requests:

- 10/23/09, Easton High School Homecoming Parade
- 10/24/09, Annual Halloween Trick or Treat – Main Street Easton
- 11/27/09, Talbot YMCA – Oxford Rd to Easton Club Run for Hospice

Upon motion by Mr. Leshner seconded by Ms. Malone and carried, the Public Assembly Permits as recommended by Easton Police Department were approved.

**MS. BARBARA HEATLEY TO ADDRESS COUNCIL REGARDING AFFORDABLE HOUSING COALITION OF TALBOT COUNTY**

Ms. Heatley discussed a pilot project with the Affordable Housing Coalition of Talbot County and the Town of Easton to continue revitalization of the older neighborhoods in ways that will promote

1 affordable housing and community solidarity. She discussed a presentation to the property owners in a  
2 designated area.

3  
4 The Town Attorney stated that the Town of Easton is not a 501(C) 3 organization.

5  
6 Upon motion by Mr. Leshar seconded by Mr. Wendowski and carried unanimously, approval was  
7 granted as outlined by the guidelines set forth by Mr. Karge.

8  
9 **REQUEST FROM WATERFOWL FESTIVAL FOR 2009 FOOD CONCESSIONS**

10  
11 Upon motion by Mr. Wendowski seconded by Mr. Leshar and carried unanimously, the 2009 food  
12 concessions as submitted were approved.

13  
14 **LETTER FROM MS. DIANE MIZELLE, BOUNTIFUL REQUESTING PERMISSION TO**  
15 **PLACE EVENT BANNER AT TALBOTTOWN SHOPPING CENTER TO ANNOUNCE**  
16 **HOLIDAY KICKOFF BENEFIT OF THE MENTAL HEALTH ASSOCIATION IN TALBOT**  
17 **COUNTY.**

18  
19 Upon motion by Mr. Wendowski seconded by Ms. Malone and carried unanimously, approval was  
20 granted for the banner as outlined in the letter.

21  
22 **LETTER FROM MS. LOUIS A. WALTER, PRESIDENT; TALBOT COUNTY RIGHT TO**  
23 **LIFE REQUESTING PERMISSION TO PLACE DISPLAY CALLED CEMETERY OF THE**  
24 **INNOCENTS ON THE GROUNDS OF IMMANUEL LUTHERAN CHURCH ON RT. 50 FOR**  
25 **ONE MONTH.**

26  
27 President Ford discussed the Zoning Ordinance and the use of banners. President Ford stated that this  
28 particular banner does not constitute a use but a message.

29  
30 Mr. Leshar asked if the Council should be acting on this.

31  
32 The Town Attorney stated that technically the Zoning Ordinance reads that if it is not in the table of  
33 uses, the Planning Commission has the authority to determine whether or not it is an appropriate  
34 temporary use permit and that falls back to the banner exception mentioned.

35  
36 Mr. Hamilton stated that he chose to have this request sent to the council due to the fact that this is not  
37 a use but a message or opinion and the Zoning Ordinance does not regulate that at all but regulates  
38 land use.

39  
40 President Ford made a motion for the denial of this request seconded by Mr. Wendowski and carried  
41 unanimously.

42  
43 Mr. Leshar stated that the Council should use this opportunity to encourage the staff to draft language  
44 for a Zoning Amendment which would clearly define all the instances in which banners can be allowed  
45 and make that into a staff or Planning Commission decision.

46  
47 **PUBLIC HEARING TO GIVE THE PUBLIC AN OPPORTUNITY TO HEAR THE**  
48 **PROPOSAL FOR THE WESTPORT COMMONS SENIOR DEVELOPMENT, A 72 UNIT**  
49 **RENTAL DEVELOPMENT TO BE LOCATED ON PORT STREET**

50  
51 At 7:31 p.m., Mr. Don Bibb, Executive Director of the Talbot County Housing Commission presented  
52 a proposal for a 72 unit rental development project.

53  
54 President Ford stated that this Public Hearing is premature as the project will still have to go through a  
55 full review process once it officially becomes an application. He stated that this is an opportunity for  
56 the council and the public to make comments and ask questions.

57  
58 At 7:58 p.m., President Ford opened the floor for public comments.

59  
60 Mr. Roger Bollman, 221 S. Hanson Street stated that he is neither for nor against the project. He  
61 discussed senior housing already in place in the Town of Easton that has vacancy. Mr. Bollman stated  
62 that he is against the Town supporting any contribution to the project due to the stressful budget  
63 climate and it may get worse. Mr. Bollman questioned the tax status of this project. Mr. Bollman stated  
64 that the project should be reviewed in its entirety.

1 Mr. John Lopes, Easton Club East asked if there would be elevators for the elderly in the buildings.  
2 Mr. Bibb stated that there would be.

3  
4 Ms. Rebecca Ellison, Oxford, stated that she appreciated the thought that Mr. Bollman put into his  
5 thoughts and questions. She asked the Council to consider all the economic standpoints.

6  
7 At 8:11 p.m., President Ford closed the public hearing and left the record open until close of business  
8 on Friday.

9  
10 **PUBLIC HEARING ON THE REQUEST OF EASTON INVESTMENTS I & II OVER OF 51**  
11 **UNITS OF THE LAKELAND'S PUD SUBDIVISION. EASTON INVESTMENTS I & II HAS**  
12 **REQUESTED AN AMENDMENT WHICH WOULD ADD REVISED ARCHITECTURE AND**  
13 **25 ADDITIONAL UNITS TO THE LAKELAND PROJECT; A 143 UNIT TOWNHOUSE PUD**  
14 **SUBDIVISION LOCATED ON THE EAST SIDE OF US ROUTE 50 (OCEAN GATEWAY).**  
15

16 At 8:13 p.m., Mr. Hamilton introduced the request and stated that the Planning Commission had  
17 reviewed the request and supported the request which was an architectural change and the addition of  
18 25 units to the project.

19  
20 Mr. Ryan Showalter, Esq., Miles & Stockbridge, 101 Bay Street appearing on behalf of the applicant  
21 Easton Investments I & II discussed the amendment and the proposed change in density. He discussed  
22 the architectural amendments and Planning Commission recommendations.

23  
24 Mr. Showalter stated that the prices are market dependent but expected to be upper \$170,000 for  
25 interior units with two units priced at \$147,000 or three units at \$154,000 for the affordable/workforce  
26 housing contribution element. Mr. Showalter stated that the density will increase to 3.21 units per acre.

27  
28 Mr. Leshar stated that he is happy to see the Affordable Housing component. He discussed his concern  
29 with no houses facing Beechwood Drive.

30  
31 Mr. Wendowski asked if the stormwater pond is adequate.

32  
33 Mr. Showalter stated that it is.

34  
35 Mrs. Cook asked if the neighbors had been notified of the change in the project.

36  
37 Mr. Showalter stated that he did not but the property had been posted as well as the required  
38 newspaper advertisement.

39  
40 Notification to residents regarding the public hearing was discussed.

41  
42 President Ford opened the public hearing for public comments.

43  
44 Mr. John Krut, Superior Circle, stated that he did not get notice. He stated that the architectural change  
45 affects everyone at Lakelands and asked that everyone be given notice and this be tabled for a month.

46  
47 President Ford stated that the public hearing can be left open thru the next meeting to give adequate  
48 time for notice to residents for the next meeting.

49  
50 Mr. Krut stated that the design is inappropriate to the Lakelands and will detract from his investment in  
51 his home.

52  
53 Mr. Lamont Thompson, 29031 Superior Circle stated that he is concerned about how the townhomes  
54 are set up. He is concerned about his investment.

55  
56 Mr. Norm and Karen Fink, Superior Circle stated that he moved to Lakelands about a year ago when  
57 the houses were selling from \$220,000 to \$340,000. He asked the Council to deny the application. She  
58 stated that this has been a big investment for them.

59  
60 Mr. Stephen Kirkner, 29026 Superior Circle, moved from Queenstown discussed the change from  
61 Lennar vs. Ryan homes. Mr. Kirkner discussed the density and his parking concerns. Mr. Kirkner  
62 stated that the developers have not finished the streets in the phase where they have move from. He  
63 asked that the community be finished to hold the values for the current homeowners with the  
64 architectures that are there now.

65 Mr. Wendowski asked the Town Manager about bonds for the development.

1  
2 Mr. Hamilton stated that there are bonds in place that will insure infrastructure completion.

3  
4 Ms. Cheryl Sibiski, 29113 Superior Circle, discussed drainage issues. Ms. Sibiski passed out pictures.

5  
6 Ms. Margaret Jackson, Lakelands, asked where children will play, where cars will park. She asked the  
7 developer if there will be another entrance.

8  
9 Mr. Showalter stated that in the Comprehensive Plan, the long term plan shows that the road would  
10 extend through Dutchman's Lane.

11  
12 Mr. Krut stated that the developer giving affordable or workforce units gives the appearance of buying  
13 the vote in favor of the application. He stated that it gives the appearance of an impropriety.

14  
15 Mr. Thompson stated that the Lennar homes are the most affordable units in the area right now. He  
16 asked what is considered affordable.

17  
18 President Ford stated that he is going to leave the Public Hearing open and asked the Planning  
19 Department to send notices again.

20  
21 President Ford discussed previous negotiations of conflicts with existing neighborhoods prior to  
22 coming before the Council. He stated that he believes this should occur before coming back to the  
23 council.

24  
25 Mr. Showalter stated that he would propose leaving the record open and scheduling a continuation of  
26 the hearing to allow time to address the residents' concerns.

27  
28 President Ford stated that the Public Hearing will be continued but will not be scheduled at the next  
29 meeting. He stated that hopefully, the applicant and the residents will have an opportunity to meet to  
30 express concerns.

31  
32 Mrs. Cooke asked to be informed when the meeting between the developer and the residents is  
33 scheduled.

34  
35 **PUBLIC HEARING TO DISCUSS PROPOSED ORDINANCE NO. 560; AN ORDINANCE**  
36 **AMENDING THE TOWN'S ZONING ORDINANCE. SPECIFICALLY, THE PROPOSED**  
37 **AMENDMENTS WOULD: 1) ESTABLISH NEW REGIONAL HEALTHCARE ZONING (RH)**  
38 **DISTRICT, AND; 2) ESTABLISH NEW GOVERNMENT/INSTITUTIONAL (G-I) DISTRICT.**  
39

40 At 9:12 p.m., the President of the Council opened the Public Hearing to discuss Ordinance No. 560.

41  
42 Ms. VanEmburch distributed an updated version of Ordinance No. 560 and reviewed the history of the  
43 proposed Ordinance. She stated that the changes from the previous document are on page 14 B4  
44 (added language regarding the initial phase of construction of a hospital); page 17 F, G, H regarding lot  
45 coverage.

46  
47 Mr. John Murray, Esq., Miles & Stockbridge on behalf of Shore Health Systems, Inc. stated that they  
48 have nothing to add and request Council approval.

49  
50 Mr. John Lopes, Easton Club East, thanked the Council for their fairness.

51  
52 Mr. Leshner stated that we are showing the Town's commitment to full and timely cooperation on  
53 facilitating construction of the new hospital in Easton following through on our intentions with the  
54 Memorandum of Understanding with the Talbot County Government and Shore Health System, Inc.  
55 with all the due speed our predecessors set out for this project.

56  
57 At 9:18, President Ford closed the Public Hearing and left the record open for public comments until  
58 close of business on Friday.

59  
60 **DISCUSSION OF THE ANNEXATION AGREEMENT AND PUBLIC FACILITIES**  
61 **AGREEMENT BY THE TOWN OF EASTON, TALBOT COUNTY, MARYLAND AND**  
62 **SHORE HEALTH SYSTEM, INC.**  
63

64 The Town Attorney discussed the three party agreement between Shore Health System, the Town of  
65 Easton and Talbot County and requires approval of all the bodies involved. She stated that the Council

1 will approve the Agreement at their November 10 meeting. Ms. VanEmburch briefed the Council on  
2 the Agreement.

3  
4 President Ford stated that he has no concerns about the language regarding the agreement.

5  
6 **ORDINANCE NO. 562, “AN ORDINANCE OF THE TOWN OF EASTON CODIFYING AND**  
7 **REENACTING WITH AMENDMENTS PORTIONS OF ORDINANCE 448 AND ITS**  
8 **EXHIBITS A AND EXHIBITS A AND EXHIBITS B, UNDER CHAPTER 6, ARTICLE I, II**  
9 **AND III.”**

10  
11 Upon motion by Mr. Leshner seconded by Ms. Malone and carried unanimously, Ordinance No. 562  
12 was approved.

13  
14 **REVIEW OF INVOICES TOTALING \$1,234,703.53.**

15  
16 Upon motion by Mr. Wendowski seconded by Ms. Cook and carried unanimously, invoices were  
17 approved for payment.

18  
19 **ITEMS BY MEMBERS OF THE COUNCIL**

20  
21 Mrs. Cook thanked the Star Democrat and Head Rush 180 for the pink Breast Cancer Awareness  
22 fundraiser.

23  
24 President Ford stated that this Saturday is the fall workday for Historic Cemeteries. Springhill  
25 Cemetery will be from 9:00 a.m. to 1:00 p.m. on Aurora Street and Richards Memorial Park on Bay  
26 Street will be from 8:00 a.m. until noon.

27  
28 **ADJOURNMENT**

29  
30 Upon motion by Mr. Leshner seconded by Mrs. Cook and carried unanimously; President Ford  
31 adjourned the regularly scheduled meeting at 9:35 p.m.

32  
33  
34 \_\_\_\_\_  
Kathy M. Ruf, Town Clerk